

REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

- Group I: Claims 1-17, drawn to products of formula (I) wherein X is S;
- Group II: Claims 1-17, drawn to products of formula (I) wherein X is O;
- Group III: Claims 18-26, drawn to method of using products of formula (I) wherein X is S; and
- Group IV: Claims 18-26, drawn to method of using products of formula (I) wherein X is O.

Applicants provisionally elect Group I, Claims 1-17, drawn to products of formula (I) wherein X is S, with traverse on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a burden exists in searching the claims of the four groups.

Moreover, the M.P.E.P. at § 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

Finally, Applicants respectfully submit that, should the claims of Group I be found allowable, the Office should expand its search to the claims of Groups II, III and IV.


Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement.

Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Richard L. Treanor', is written over the printed name of the signatory.

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